

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL HARPER, Inmate #B03541,)

Petitioner,)

vs.)

CLARENCE FAUST, DANNY A.)

BRITTON, KENNETH L. HAMILTON,)

VALISSA DAVIS, ANITA C.)

ETHERIDGE, EDWANA BOWERS,)

MARK SHUMAKE, BRYAN ELLIS,)

CHARLES L. HINSLEY, TERRI)

ANDERSON, and ERNESTO VELASCO,)

Respondents)

CIVIL NO. 06-724-WDS

MEMORANDUM AND ORDER

STIEHL, District Judge:

Petitioner, currently incarcerated in the Tamms Correctional Center, brings this habeas corpus action pursuant to 28 U.S.C. § 2254 to challenge the revocation of good conduct credit in a disciplinary hearing. He seeks leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Leave to proceed *in forma pauperis* is **GRANTED**.

Before further proceedings are ordered, a few words about the named respondents are necessary. Petitioner names as a respondents in the action a number of Illinois Department of Corrections officials. Because Petitioner is incarcerated, the only proper respondent is Acting Warden Terry McCann. *See* Rules 2(a) and (b) of the Rules Governing Section 2254 Cases in the United States District Courts. Clarence Faust, Danny A. Britton, Kenneth L. Hamilton, Valissa Davis, Anita C. Etheridge, Edwana Bowers, Mark Shumake, Bryan Ellis, Charles L. Hinsley, Terri

Anderson, and Ernesto Velasco are **DISMISSED** as parties. Terry McCann, Acting Warden at Tamms Correctional Center, is **SUBSTITUTED** as the proper respondent in the action.

IT IS HEREBY ORDERED that Respondent shall, within twenty-three (23) days of receipt of this application for Writ of Habeas Corpus, answer and show cause why the writ should not issue.

Service upon the Illinois Attorney General, Criminal Appeals Bureau, 100 West Randolph, 12th Floor, Chicago, Illinois 60601 shall constitute sufficient service.

IT IS FURTHER ORDERED that pursuant to Local Rule 72.1(a)(2), this cause is referred to a United States Magistrate Judge for further pre-trial proceedings.

IT IS FURTHER ORDERED that this entire matter be **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

IT IS SO ORDERED.

DATED: October 6, 2006

s/ WILLIAM D. STIEHL
DISTRICT JUDGE